

1 HB87
2 207985-1
3 By Representative Hollis
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 12/17/2020

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8 SYNOPSIS: Under existing state law, it is unlawful for
9 any person to discriminate against an individual
10 because of his or her race, color, religion, sex,
11 or national origin with respect to housing.

12 Under existing state law, it is also
13 unlawful for an employer to pay an employee at wage
14 rates less than those paid to employees of another
15 race or sex for substantially similar work.

16 Under existing state law, it is unlawful for
17 an employer, employment agency, or labor
18 organization to discriminate against a worker 40
19 years of age or over in hiring, job retention,
20 compensation, or other terms or conditions of
21 employment.

22 This bill would make it unlawful for a
23 person to deny an individual full and equal
24 enjoyment of public accommodations based upon the
25 individual's race, religion, sex, age, disability,
26 or national origin.

1 This bill would also make it unlawful for a
2 local school board to discriminate against any
3 individual on the basis of race, sex, disability,
4 or national origin.

5 This bill would make it unlawful for an
6 employer, employment agency, or labor organization
7 to discriminate against an applicant or employee
8 based upon the applicant or employee's race,
9 religion, sex, age, disability, or national origin
10 and would create a state cause of action against an
11 employer who does so.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT

16
17 Relating to discrimination; to make it unlawful for
18 a person to deny an individual full and equal enjoyment of
19 public accommodations based upon certain protected classes; to
20 make it unlawful for a local school board to discriminate
21 against any individual based upon certain protected classes;
22 and to make it unlawful for an employer to discriminate
23 against an applicant or employee based upon certain protected
24 classes and create a state cause of action against an employer
25 who does so.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) As used in this act, the following
2 terms have the following meanings:

3 (1) PLACE OF PUBLIC ACCOMMODATION, RESORT, or
4 AMUSEMENT. The term includes any place, store, or other
5 establishment, either licensed or unlicensed, which supplies
6 goods or services to the general public or which solicits or
7 accepts the patronage or trade of the general public or which
8 is supported directly or indirectly by government funds. The
9 term does not include any of the following:

10 a. A private club whose policies are determined by
11 its members and its facilities or services are available only
12 to its members and their bona fide guests.

13 b. A rooming or boarding house containing not more
14 than one room for rent or hire and which is within a building
15 occupied by the proprietor as his or her residence.

16 c. A religious organization and its activities and
17 facilities if compliance with Section 2 would be inconsistent
18 with the religious tenets of the organization.

19 (2) PROTECTIVE HAIRSTYLES. The term includes, but is
20 not limited to, hairstyles such as braids, locks, and twists.

21 (3) RACE. The term includes ancestry, color, ethnic
22 group identification, and ethnic background, and traits
23 historically associated with race, including, but not limited
24 to, skin complexion, hair texture, and protective hairstyles.

25 (4) RELIGIOUS ORGANIZATION. The term includes an
26 organization whose main purpose is to study or advance
27 religion. The term does not include any organization that

1 teaches or advocates hatred or superiority based on race or
2 ethnicity.

3 Section 2. It is unlawful for a person to deny an
4 individual the full and equal enjoyment of the goods,
5 services, facilities, privileges, advantages, and
6 accommodations of a place of public accommodation, resort, or
7 amusement on the basis of race, religion, sex, age,
8 disability, or national origin.

9 Section 3. It is unlawful for a local school board
10 to discriminate against any individual on the basis of race,
11 sex, disability, or national origin.

12 Section 4. (a) With respect to the terms,
13 conditions, or benefits of employment, it is an unlawful
14 employment practice for an employer, employment agency, or
15 labor organization to fail or refuse to hire, to discharge any
16 individual, or to otherwise discriminate against any
17 individual because of the individual's race, religion, sex,
18 age, disability, or national origin. An employer, employment
19 agency, or labor organization shall be deemed to have engaged
20 in an action prohibited under this subsection if the
21 individual's race, religion, sex, age, disability, or national
22 origin is a motivating factor in the employer's action, unless
23 the employer can prove that there was a legitimate,
24 non-discriminatory reason for the adverse employment action.

25 (b) An employer, employment agency, or labor
26 organization may not discriminate in employment against or

1 take any adverse employment action against any individual
2 because the individual has done any of the following:

3 (1) Taken an action to enforce a protection afforded
4 any individual under this act.

5 (2) Testified or otherwise made a statement in or in
6 connection with any proceeding under this act.

7 (3) Assisted or otherwise participated in an
8 investigation under this act.

9 (4) Exercised a right provided for under this act.

10 (c) An employer, employment agency, or labor
11 organization shall be deemed to have engaged in an action
12 prohibited under subsection (b) if the individual's action to
13 enforce a protection afforded any individual under this act,
14 testimony or making of a statement in connection with any
15 proceeding under this act, assistance or other participation
16 in an investigation under this act, or exercise of a right
17 provided for under this act, is a motivating factor in the
18 employer's action, unless the employer can prove that there
19 was a legitimate, non-discriminatory reason for the adverse
20 employment action.

21 Section 5. (a) Any individual whose rights under
22 Section 4 have been violated by an employer may bring a cause
23 of action against the employer.

24 (b) In any action filed under this section, the
25 court may award relief and require the employer to do any one
26 or more of the following:

27 (1) Comply with Section 4.

1 (2) Compensate the individual for any loss of wages
2 or benefits suffered by reason of the employer's failure to
3 comply with Section 4.

4 (3) Pay the individual liquidated damages in an
5 amount equal to the amount of lost wages or benefits suffered
6 by reason of the employer's failure to comply with Section 4,
7 if the court determines that the employer's failure to comply
8 was willful.

9 (c) No fees or court costs may be charged or taxed
10 against any individual who brings a cause of action under
11 subsection (a).

12 (d) If an individual who obtained private counsel to
13 bring an action or proceeding under subsection (a) prevails in
14 the action or proceeding, the court may award the individual
15 reasonable attorney fees, expert witness fees, and other
16 litigation expenses.

17 Section 6. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.